

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

10 CRIM

557

UNITED STATES OF AMERICA

SEALED INDICTMENT

-v.-

10 Cr.

MAX MARTINEZ,
a/k/a "Chicano," and

Defendants.

4:10mj1260
12/27/10 NKJ

COUNT ONE

The Grand Jury charges:

1. From in or about the Summer of 2008, through the present, in the Southern District of New York and elsewhere,

MAX MARTINEZ, a/k/a "Chicano," and
the defendants, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that

MAX MARTINEZ, a/k/a "Chicano," and
the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute a

controlled substance, in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substances involved in the offense were five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of 21 U.S.C. § 841(b)(1)(A), and one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of 21 U.S.C. § 841(b)(1)(A).

Overt Acts

4. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about October 3, 2008, [REDACTED]

[REDACTED] the defendant, traveled to New York, New York.

b. In or about early 2009, [REDACTED]

[REDACTED] the defendant, sent approximately 200 kilograms of cocaine to Long Island, New York.

c. On or about April 14, 2009, MAX MARTINEZ, a/k/a "Chicano," the defendant, picked up approximately \$92,400 in the Bronx, New York.

d. On or about April 21, 2009, [REDACTED]

[REDACTED] the defendant, engaged in a telephone conversation with an individual not named as a defendant herein ("CC-1") regarding four kilograms of cocaine

that MORALES had given to CC-1.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATIONS

5. As a result of committing the controlled substance offense alleged in Count One of this Indictment, [REDACTED]

[REDACTED] MORALES, [REDACTED]

[REDACTED] MAX MARTINEZ, a/k/a "Chicano," [REDACTED]

the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

6. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

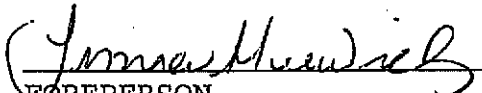
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value;


or

e. has been commingled with other property which
cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C.
§ 853(p), to seek forfeiture of any other property of the
defendants up to the value of the above forfeitable property.

(Title 21, United States Code,
Sections 841(a)(1), 846, and 853.)


CO-REPERSON




PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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a/k/a "Chicano,"


Defendants.

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(Title 21, United States Code, Sections 812, 841, and 846.)

PREET BHARARA
United States Attorney.

A TRUE BILL


Foreperson.
